

Message Text

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ACTION ARA-10

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TAGS: PINS, ASEC, PINT, VE

SUBJECT: DEPUTIES IMPLICATED IN NIEHOUS KIDNAPPING

ARRESTED

REF: CARACAS 9340

1. MEP DEPUTY SALOM MEZA AND INDEPENDENT DEPUTY FORTUNATO HERRERA WERE DETAINED LATE AUGUST 3 BY THE OFFICE OF MILITARY INTELLIGENCE (DIM) IN CONNECTION WITH THEIR ALLEGED INVOLVEMENT IN THE NIEHOUS KIDNAPPING CASE. THE ARRESTS WERE CARRIED OUT UNDER WARRANTS ISSUED BY COL. ALFREDO ANZOLA JIMENEZ, JUDGE OF THE THIRD MILITARY COURT OF THE FIRST INSTANCE, EVEN THOUGH THE TWO DEPUTIES' PARLIAMENTARY IMMUNITY HAS NOT YET BEEN LIFTED BY THE CONGRESS. REACTING TO THE DETENTIONS, THE MEP PARTY HAS CALLED ON ALL OPPOSITION PARTIES TO ABSTAIN FROM ATTENDING CONGRESSIONAL SESSIONS UNTIL "PARLIAMENTARY IMMUNITY IS RESPECTED."
2. ASKED WHY THE GOV HAD DECIDED TO PROSECUTE SUSPECTS IN THE NIEHOUS CASE UNDER THE MILITARY JUSTIC CODE, PRESIDENT CARLOS ANDRES PEREZ SAID AUGUST 3 THAT THE HANDLING OF THE CASE WAS IN THE HANDS OF THE COURTS "IN WHICH THE EXECUTIVE BRANCH CANNOT INTERVE NE."

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HE WENT ON TO EXPLAIN, HOWEVER, THAT IN HIS PERSONAL OPINION

THE MILITARY COURTS WERE THE CORRECT TRIBUNAL TO TRY THE CASE IN THAT MILITARY REBELLION IS ONE OF THE CHARGES AGAINST THE CONSPIRATORS AS WELL AS THE CARRYING OF MILITARY ARMS AND THE WEARING OF MILITARY UNIFORMS IN THE COMMISSION OF THE KIDNAPPING.

3. IN A SEPARATE STATEMENT AUGUST 3 FISCAL GENERAL JOSE RAMON MEDINA SAID IT WOULD BE NECESSARY FOR THE SUPREME COURT OF JUSTICE TO MAKE A DECISION CONCERNING THE COMPLICITY OF DEPUTIES MEZA AND HERRERA BEFORE THE MILITARY COURTS COULD ISSUE ARREST WARRANTS FOR THEM.

4. DEPUTIES MEZA AND HERRERA REPORTEDLY HAD CONTACTED THROUGH INTERMEDIARIES VARIOUS LATIN AMERICAN EMBASSIES HERE FOR THE PURPOSE OF SEEKING POLITICAL ASYLUM ABROAD. THE PRESS SPECULATED THAT IT WAS BECAUSE OF THESE CONTACTS THAT THE GOV DECIDED TO ARREST THE TWO DEPUTIES WITHOUT WAITING FOR THEIR PARLIAMENTARY IMMUNITY TO BE LIFTED. MEZA AND HERRERA ARE REPORTEDLY BEING HELD IN SEPARATE CELLS AT SAN CARLOS MILITARY PRISON IN CARACAS. SUPREME COURT PRESIDENT MARTIN PEREZ GUEVARA STATED AUGUST 4 THAT THE SUPREME COURT WILL MAKE A THOROUGH ANALYSIS AUGUST 5 OF THE DETENTION OF THE TWO DEPUTIES BY DIM.

5. COMMENT. THE GOV'S DECISION TO PROCEED WITH LEGAL ACTION AGAINST DEPUTIES MEZA AND HERRERA IN THE MILITARY COURTS WITHOUT WAITING FOR THE SUPREME COURT AND THE CONGRESS TO LIFT THEIR PARLIAMENTARY IMMUNITY HARKS BACK TO A SIMILAR DECISION IN 1971 BY THE CALDERA ADMINISTRATION TO TRY THEN SENATOR MIGUEL ANGEL CAPRILES IN THE MILITARY COURTS FOR PUBLICATION OF MILITARY SECRETS. THE ACTION AGAINST CAPRILES WAS TAKEN WITHOUT REMOVAL OF HIS PARLIAMENTARY IMMUNITY AND IS REFERRED TO HERE AS THE "CALVANI DOCTRINE."

AT THE SAME TIME THE GOV KNOWS THAT IT WILL COME IN FOR SEVERE CRITICISM FROM THE OPPOSITION PARTIES, WHICH WILL NOT PASS UP THIS OPPORTUNITY TO FURTHER LAMBAST THE PEREZ ADMINISTRATION FOR ITS HANDLING OF THE NIEHOUS CASE.
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